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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,352	05/24/2001	Masaru Sugano	010661	1126

38834 7590 11/20/2006

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EXAMINER

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ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/863,352
Filing Date: May 24, 2001
Appellant(s): SUGANO ET AL.

MAILED

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Technology Center 2600

Ryan B. Chirnomas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 28, 2006 appealing from the Office action mailed January 27, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,236,395	Sezan et al	05-2001
US 5,930,493	Ottesen et al	07-1999
EP 0942603	Kitamura et al	09-1999

(9) Grounds of Rejection

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The following ground(s) of rejection are applicable to the appealed claims:

Claims 10, 11, 14-18, 19, 20, 23- 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,236,395 (Sezan et al and hereafter referred to as "Sezan").

As to claim 10, Sezan teaches a method of describing summary data (program description scheme 18 in Figure 1) of at least one of audio data, video data, audiovisual data (hereinafter audio/video) (Column 4, lines 40-45, lines 58-59).

Sezan also teaches identifying multiple items of compressed or uncompressed original audio/video contents (multiple programs). Key Frame view of Figure 9 contains a left hand column that contains representative frames that are representative of different programs (hereinafter representative program frames) (Column 14, lines 21-29). Therefore, multiple items of compressed or uncompressed audio/video contents (multiples programs) are identified. This reads on the present claim limitation.

Sezan also teaches identifying slide components (lower portion of Figure 9 for each different program) of an audio/video slide composed of multiple important portions of the multiple items of original audio/video contents. Sezan teaches that within each selected program (item), the lower portion of Figure 9 contains frames representing different key portions of the particular selected program (Column 14, lines 28-34, hereinafter Key Frames). Therefore, a user can select other programs from the left hand column and the lower portion of Figure 9 would display Key frames (slide components) corresponding to the selected program. This reads on the present claim limitation

because slide components (Key frames) composed of multiple important portions of a multiple items (multiple programs) of original audio/video contents are identified.

Sezan also teaches providing a description of the slide components (Key Frames) such that the components are described sequentially. The Key Frames in Figure 9 are displayed one after another. Therefore, Key Frame View in Figure 9 is a description of the slide components wherein the slide components are described sequentially. With respect to the other items (programs) of the multiple items (programs) that the user can select, the slide components (Key frames) of the selected programs are also described sequentially with respect to each of the multiple items.

Sezan also teaches wherein the description of the slide components includes a description about a link between the multiple items of original audio/video contents and the slide components (Column 16, lines 5 - 22). <Key Frames View> specifies key frame start and end ids in a selected program described as the lower portion of Figure 9. Therefore, there is a direct link between each original compressed or uncompressed audio/video content and the slide components associated with that selected program. Also, each representative program frame (left hand column of Figure 9 that represents multiple items of compressed or uncompressed audio/video) representing a particular program has a program, program id, program name, and a source location (Column 15, lines 20 - 34). Therefore, slide components corresponding to the multiple items of compressed or uncompressed audio/video contents also have direct links between them. This reads on the present claim limitation.

As to claim 11, Sezan teaches a method of describing summary data (program description scheme 18 in Figure 1) wherein the slide components (Key Frames) of the audio/video are multiple segments included in the multiple compressed or uncompressed audio/video contents as discussed in the rejection of claim 10. Sezan teaches that in Figure 9, the lower portion (Key Frames, slide components) includes multiple segments of a particular selected program (Column 14, lines 20 - 29). Therefore, slide components are multiple segments of multiple compressed or uncompressed audio/video contents (multiple programs).

Sezan also teaches information (Video clips) about the segments are described sequentially. Each video clip associated with each key frame is defined by the descriptor <clip> (Column 16, 18 - 20). The clips are defined sequentially in the program description scheme description on Column 16 in the Key Frame view section. Also the Key frames are described sequentially with respect to the different programs.

As to claim 14, see rejection of claim 10 and note that Sezan also teaches wherein if there are multiple compressed or uncompressed audio/video contents (Programs 38 in Figure 2), the description about the link between the compressed or uncompressed audio/video contents (Programs 38 in Figure 2) and the slide components (Key Frames, Lower portion of Figure 9) is the description about the identifier (Frame start and end ids in Column 16, lines 1 -5) of the compressed or uncompressed audio/video content (Programs 38 in Figure 2) to which the slide components belong. When a user selects a different program (different item) as discussed in claim 10, the selected program would have its corresponding slide

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components Key Frames) that contains a link between the compressed or uncompressed audio/video content and the slide components wherein the link is the description about the identifier (Frame start and end ids in Column 16, lines 1 - 5) of the selected compressed or uncompressed audio/video content (Program). Therefore, the present claim limitation is met.

As to claim 15, see rejection of claim 10 and note that Sezan also teaches wherein if there is a single compressed or uncompressed audio/video content (Program 38 in Figure 2), the description (Key Frame view description in Figure 9) about the link between the compressed or uncompressed audio/video content (Program 38 in Figure 2) and the slide components (Key Frames, lower portion of Figure 9) is the description about a temporal segment (Each key frame in the lower portion of Figure 9) in the compressed or uncompressed audio/video content (Program 38 in Figure 2) of the slide components (Key Frames, lower portion of Figure 9) (Column 14, lines 32 - 34, Column 16, lines 1 - 20). Each Key Frame contains a frame start and frame end id (Column 16, lines 1 - 5) for a particular program. Therefore, the link describes a temporal segment between the slide components and the single compressed or uncompressed content (particular selected program as discussed in claim 10).

As to claim 16, see rejection of claim 10 and note that Sezan also teaches wherein it is possible to transfer from playback of the audio/video slide to playback of the single or multiple compressed or uncompressed audio/video content relating to the slide components of the audio/video slide, and it is possible to transfer reversely from

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playback of single or multiple compressed or uncompressed audio/video content to playback of the slide (Column 12, lines 10-16).

As to claim 17, see rejection of claim 10 and note that Sezan also teaches wherein it is possible to display the attribute data described about the corresponding compressed or uncompressed audio/video content (Programs 38 in Figure 2) by using the description of the audio/video slide components (Key Frames) during playback of the audio/video slides. Each Key Frame (lower portion of Figure 9) contains clip information (start and end frame id descriptions) with video segments (attributes) of the single compressed or uncompressed content (Column 14, 32 - 34, Column 16, lines 19-22). Therefore, the attribute data (video segments) corresponding to compressed or uncompressed audio/video are displayed. This reads on the present claim limitation.

As to claim 18, see rejection of claim 10 and note that Sezan also teaches the audio/video slide component (Key Frames, lower portion of Figure 9) contains description <Clip> that specifies the start and end frame id's of a segment of the original program (Column 16, lines 16 - 21). A user can select to play back the desired segment by searching data indicating the frames that are presented in the program description scheme (Column 9, line 67, Column 10, line 1). Therefore, corresponding single compressed or uncompressed audio/video content is played by using the description data (<Clip> data) of the audio/video slide components (Key Frames) during playback of the audio/video slide (Key Frame View, Figure 9).

As to claim 19, see rejection of claim 10 for all corresponding limitations. Sezan also teaches the description of the slide components (lower portion of Figure 9)

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including a link description of the temporal relationship (frame start and end id) between the original audio/video contents and the slide components. The user can selected different programs as discussed in claim 10. Therefore, there are multiple compressed or uncompressed audio/video contents available to the user. Within each selected program, a description of slide components (lower portion of Figure 9) includes a link description of the temporal relationship between the original audio/video content and its associated slide components. Therefore, the description of the slide components (Key Frames, lower portion of Figure 9) includes a link that is a description of the temporal relationship between each original compressed or uncompressed audio/video contents and its associated slide components.

Sezan also teaches displaying the description of the slide components (lower portion of Key Frame View) as shown in Figure 9.

As to claim 20, see rejections of claims 11 and 19 for the corresponding limitations.

As to claim 23, see rejections of claims 14 and 19 for the corresponding limitations.

As to claim 24, see rejections of claims 15 and 19 for the corresponding limitations.

As to claim 25, see rejections of claims 16 and 19 for the corresponding limitations.

As to claim 26, see rejections of claims 17 and 19 for the corresponding limitations.

As to claim 27, see rejections of claims 18 and 19 for the corresponding limitations.

Claims 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan in view of U.S. Patent No. 5,930,493 (Ottesen et al and hereafter referred to as "Ottesen").

As to claim 12, see rejection of claim 10 and note that Sezan also teaches wherein the slide components (Key Frames) of the audio/video are multiple segments included in the multiple compressed or uncompressed audio/video contents (Column 9, 45 - 52). As discussed in claim 10, a user can select different programs on the left hand column of Figure 9 to show corresponding key frames (slide components) on the lower portion of Figure 9. Therefore, the audio/video slide components are multiple segments included in multiple compressed or uncompressed audio/video contents.

Sezan also teaches that the segment is in a separate file (Column 10, 4 - 5). Sezan states that summarized information may be recorded onto a storage device; therefore, each summary from Column 9, lines 45 - 52 can be recorded individually. Since each summary is recorded individually, each recorded summary is a separate file. Sezan also teaches the stored information includes an index code so that it can be located at a later time (Column 10, lines 6 - 7).

Sezan fails to explicitly teach a set of files is described sequentially.

However, Ottesen et al. teaches that an indexed sequential series of compressed video segments are stored on a mass storage device. This reads on the present claim limitation of a set of files (video segments) are described (indexed) sequentially.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the indexing and storing method of Sezan, using the storage and indexing method of Ottesen. for the purpose of providing an efficient means for organizing the video segments in a customized manner (Column 10, lines 7 - 8).

As to claim 21, see rejections of claims 12 and 19 for the corresponding limitations.

Claims 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan in view of EP 0942603 (Published 09/15/1999, Kitamura et al and hereafter referred to as "Kitamura").

As to claim 13, see rejection of claim 10 and note that Sezan also teaches wherein the slide components (Key Frames in lower portion of Figure 9) of the audio/video are multiple segments (Key Frames) included in the single compressed or uncompressed audio/video content (particular program, Column 16, lines 34). Sezan also teaches wherein the user can select from different programs from the left hand column in Figure 9 and the lower portion of Figure 9 (slide components) shows the corresponding key frames to the different programs as discussed in claim 10. Therefore, Sezan teaches wherein the slide components of the audio/video slide are multiple segments included in the original audio/video contents.

Sezan fails to explicitly teach a set of segments is integrated as one composite file, and the individual segments of the composite file are described sequentially.

However, Kitamura teaches that two video stream (DA and DB, as illustrated in Figure 8A and Figure 8B, respectively) are integrated (Spliced) as one composite file (Composite video data, illustrated as DAB in Figure 8D) (Column 12, lines 5 - 11). Kitamura further teaches that the individual segments (DA and DB in Figure 8A and 8B, respectively) of the composite file (DAB in Figure 8D) are described sequentially (Figure 8C). This reads on the claim limitation Sezan fails to teach.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the display and arrangement of video segments of Sezan, using the segment arrangement and segment processing method of Kitamura, for the purpose of preventing a discontinuity in the output data (video segments, Column 5, lines 44 - 48), therefore letting the user playback continuous summary data without the steps of selecting which summary data to watch.

As to claim 22, see rejections of claims 13 and 19 for the corresponding limitations.

(10) Response to Argument

Regarding Claim 10, the appellant argues that the "rejection of claims 10, 11, 14-18 should be reverse because either of the following reasons: (1) the asserted prior art does not teach "providing description of the slide components" and the asserted prior art does not teach that the slide components are composed of important portions of

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multiple items of original audio/video contents" (Page 7). The appellant argues that base claim 10 describes a method of describing summary data of audio/video that includes:

- (1) identifying multiple items of original audio/video contents;
- (2) identifying slide components of an audio/video slide composed of important portions of multiple items of original audio/video contents; and
- (3) providing a description of the slide components.

(See page 8.)

Argument 1

The appellant further argues that Sezan would need to teach a description of key frame views as Sezan discloses representative frames of different programs (left-hand column of Figure 9) to teach the multiple items of audio/video contents as recited in the claims and that the key frame views (Figure 9 bottom) to teach the slide components of an audio/video slide and that the display of Figure 9 provides no description at all of the key frame views (Page 8). The appellant also argues that the Office action notes key frame view in Figure 9 are displayed one after another and concludes that this is a sequential display of key frame views for the description of slide components (Page 8). The appellant's argument for slide components of multiple items is addressed below.

Argument 2

The appellant argues that the above argument was presented to the Examiner in the Request for Reconsideration of April 27, 2006, which was essentially ignored in the Advisory Action of May 31, 2006, and that the examiner provides little more than

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repetition of the statements from prior Office Actions. The appellant argues that he provided not explanation of how the prior art supposedly teaches providing a description of those key frame views/slide components except to cite "Figure 9, Summary, Column 14, lines 55-58, Column 16, lines 5-35 and that the Summary of the Invention does not even recite key frame views (Page 9) and also that the key frames are in a single items not multiple items.

Argument 3

The appellant argues that Sezan fails to disclose the slide components are composed of important portions of multiple items of original audio/video contents and that key frame views of Figure 9 correspond to a single program (Page 9).

The appellant also argues that the Final Office Action states that user can select other representative frames along the left hand column of Figure 9 and the selection would cause key frames views to appear corresponded to a different items, however the anticipation rejection cannot be based on what a user can do, instead what the prior art must actually teach (Page 11).

Argument 4

The appellant states that they presented the above argument (Argument 3) to the Examiner in the Request for Reconsideration and unlike the other argument the Examiner provides no response to the argument and the Examiner maintains the rejection but fails to provide a quote from the prior art, which actually teaches the claimed subject matter (Page 11).

In response to the appellant's Argument 1, first of all, Sezan discloses a method of describing summary data of at last one audio data, video data, and audiovisual data (Figure 1, 18, Column 4, lines 40-55, Column 16, lines 15-23, 40-45). Sezan discloses identifying multiple items of original audio/video contents or programs (Figure 9-left-hand column, Column 13, lines 65-67, Column 14, lines 1-40).

The appellant's specification discloses a slide component of a slide is given as one composite file or small segments or frames (Page 5, lines 6-7, Page 13, lines 13-15). Sezan discloses identifying slide components or key frames or segments (Figure 9, Column 14, lines 29-34).

As to the appellant's argument of Figure 9 providing no description at all of the key frames views. The appellant's specification discloses that the description data for example title and file can be displayed (Figure 7, 14). Sezan provides the description for the slide component of Shot No. 100 (Figure 9). Furthermore, Sezan discloses that the key frame is a descriptor (Column 15, lines 14-21). Moreover, Sezan discloses that there are different levels of description (Column 14, lines 35-52) and a description scheme (Column 4, lines 40-55, Column 27, lines 13-54, Figure 16). Sezan discloses numerous descriptors including program name, frame view, shot view (Column 15, lines 24-25, 44-45, 61-63) and slide view which specifies the number of frames that may be viewed as a snapshot or in slide show manner (Column 15, lines 43-45). The claim limitation is a "providing a description". The description of the slide component can be the name and the type as disclosed by Sezan and described in the appellant's

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specification. Note: the appellant's claim limitation does not give details of what the description should include.

In response to argument about the description of slide component should be described sequentially, Sezan discloses that the different shots or representative frames are sequential in nature (Column 14, lines 26-27) and the key frame view include clip ids, start frame id and end frame id (Column 16, lines 1-10) and the shot view describe the number of shots and the descriptor defines the start and end frames of a shot (Column 15, lines 61-63).

In response to appellant's Argument 2, Sezan discloses that the key frame views are key frame portions during a particularly selected program (Column 14, lines 33-35) and that a description of the key frame can include the ID of the frame and title of the important section or key frames such as "Shot No. 100" (Figure 9). See response to Argument 1. Sezan discloses key frames for multiple programs (Figure 9), see response to Argument 3.

In response to appellant's Argument 3, the appellant specification discloses that there are multiple media files such songs 1, 2, and 3 (Page 12, lines 9-18). Sezan discloses that there are multiple programs (Figure 9, left hand column). Sezan discloses that selecting one of the multiple programs will result in identifying slide components of a slide or slide view or slideshow of single or multiple important portions of the program, as selecting another or second program will result in identifying slide components of a slide or slide view or slide show for the second program or the third program or fourth program. Sezan discloses slide components composed of single or

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multiple important portions of the multiple items of original audio/video contents or programs (Figures 7-12, Column 14, lines 20-34, Column 15, lines 35-67, Column 16, lines 1-20). Sezan clearly discloses that a one or more of the multiple items of original audio/video contents or program is selected (Column 14, lines 20-35) and frames are frames and/or shots are displayed (Figures 7-12), which teaches that a user or viewer select any of the programs. Also, Sezan discloses a user selecting one of the title frames of a program which generates single or multiple important portions (Column 9, lines 61-65, Figures 7-12), which teaches that a user or viewer select any of the programs.

Furthermore, the claim limitation is "*identifying slide components of an audio video slide of single or multiple important portions of the multiple items of original audio/video contents*" not "*an audio/video slide identifying slide components composed of single or multiple portions of multiple items of original audio/video contents*" which indicates that *a slide has multiple items of original audio/video contents* versus the currently claimed *slide components of multiple items of original audio/video contents*.

In response to the appellant's Argument 4, the Examiner maintained the rejection of the claim limitation argued for Argument 3 in the Advisory Action (response to Request for Consideration) and clearly stated in the Advisory Action that "Sezan discloses identifying slide components of an audio/video slide composed of single or multiple portions of the multiple items of original audio/video contents (Figure 9, Column 14, lines 7-34)." For further information of this argument, see response to appellant's Argument 3.

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The appellant argues claims 19, 20, 23-27 should be reversed. The appellant argues Sezan does not teach a description of slide components (Page 12). Please see the Examiner's response to Claim 1 arguments presented by the appellant.

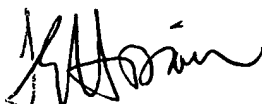
The dependent claims of Claims 10 and 19 describe the subject matter argued above by virtue of their dependency (Page 8, Page 13). Claims 12, 13, 21 and 22 are rejected as obvious and the appellant argues that Sezan does not anticipate all elements and the rejections should be reversed. Please see responses to the arguments above for Claims 10 and 19.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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